

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§
PETITION OF EDWARD D.	§ No. 370, 2010
STURGIS FOR A WRIT OF	§
MANDAMUS	§

Submitted: June 24, 2010

Decided: June 29, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 29th day of June 2010, upon consideration of the petition of Edward Sturgis for an extraordinary writ of mandamus, it appears to the Court that:

(1) The petitioner, Edward Sturgis, seeks to invoke the original jurisdiction of this Court to issue a writ of mandamus to compel the Delaware Department of Correction to release him from custody. The State of Delaware has filed a response and motion to dismiss Sturgis' petition. Without addressing the merits of Sturgis' arguments, we find that his petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) This Court has authority to issue a writ of mandamus only when the petitioner can demonstrate a clear right to the performance of a duty, no other adequate remedy is available, and the trial court arbitrarily failed or

refused to perform its duty.<sup>1</sup> An extraordinary writ will not be issued if the petitioner has another adequate and complete remedy at law to correct the act of the trial court that is alleged to be erroneous.<sup>2</sup> More importantly, the Court's jurisdiction to issue an extraordinary writ is limited to instances when the respondent is a court or judge thereof.<sup>3</sup> In this case, the Court has no original jurisdiction to issue a writ of mandamus directed to the Department of Correction.

NOW, THEREFORE, IT IS ORDERED that Sturgis' petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>2</sup> *Canaday v. Superior Court*, 116 A.2d 678, 682 (Del. 1955).

<sup>3</sup> *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).